

# Minnesota Department of Natural Resources

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***Submitted Electronically  
January 26, 2012***

Council on Environmental Quality  
ATTN: Horst Greczmiel  
Associate Director for NEPA Oversight  
722 Jackson Place NW  
Washington, D.C. 20503

**RE: Comments on Draft Guidance on Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act**

Dear Mr. Horst,

The Minnesota Department of Natural Resources (DNR) has reviewed the guidance document referenced above, availability of which was published in the *Federal Register* on December 13, 2011,<sup>1</sup> and offers the following comments:

The draft guidance generally re-states existing CEQ regulations and guidance. The following are three areas in which this new guidance could provide more explicit direction to federal lead agencies:

**1. Adopt state scoping (CEQ draft guidance, item 3.)**

The State of Minnesota has a very explicit EIS scoping process (see Minnesota Rules, part 4410.2100) that includes publication of a scoping Environmental Assessment Worksheet that is accompanied by a proposed scope for the EIS, public review and comment including a public meeting, and adoption and public disclosure of a final scope for the EIS. EIS preparation does not begin until this scoping process is completed.

Draft CEQ guidance should include a provision in preparation of joint EISs whereby federal lead agencies can adopt the state lead agency scoping process and results when the state process for scoping is formal and consistent with NEPA.

**2. EA and EIS preparation time frames**

Several of the items in draft CEQ guidance offer recommendations intended to expedite completion of environmental review. Identification of specific goals for completing EA/FONSI or EIS/RODs would provide an explicit temporal framework that would help lead agencies expedite completion of these processes. Specific recommendations are: EA/FONSI – 6 to 8 months following receipt of complete data submittals/complete application; EIS/RODs – 12 to 18 months following Notice of Intent or adoption of final scope (The state of Minnesota is required in rule to complete the FEIS and Adequacy Determination no more than 280 days following publication of our EIS Preparation Notice).

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<sup>1</sup> 76 Fed. Reg. 77492 – 77498 (December 13, 2011).



### 3. Completeness Checks

Under "Early NEPA Integration in Planning" on page 8 the guidance re-states the requirement that federal agencies begin the NEPA process no later than "upon receipt of a complete application" for an action initiated at the request on a non-Federal entity. The DNR suggests that CEQ emphasize the significance of a completeness check on all such applications. It has been DNR experience that working on an incomplete application is not a good use of state resources and can ultimately lead to inefficiencies and an overall delay in the environmental review process.

CEQ should expand its guidance to clearly define what is or is not complete and to provide guidance on how Federal agencies can work with non-Federal entities to improve their applications.

Please contact me at (651) 259-5082 or Stuart Arkley, of my staff, at (651) 259-5089 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Colvin", written over a horizontal line.

Steve Colvin  
Supervisor, Environmental Review Unit  
Division of Ecological and Water Resources